

TRANSMITTAL FORM

Attorney Docket No.
DE920000104US1/2289PIn re the application of: **Uwe HANSMANN et al.**Confirmation No: **7582**Serial No: **10/037,700**Group Art Unit: **2164**Filed: **January 2, 2002**Examiner: **Al Hashemi, Sana A.**For: **Method and System for Synchronizing Data**

ENCLOSURES (check all that apply)

<input type="checkbox"/>	Amendment/Reply	<input type="checkbox"/>	Assignment and Recordation Cover Sheet	<input type="checkbox"/>	After Allowance Communication to Group
<input type="checkbox"/>	After Final	<input type="checkbox"/>	Part B-Issue Fee Transmittal	<input type="checkbox"/>	Notice of Appeal
<input type="checkbox"/>	Information disclosure statement	<input type="checkbox"/>	Letter to Draftsman	<input type="checkbox"/>	Appeal Brief
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<input type="checkbox"/>	(X) Copies of References	<input type="checkbox"/>	Petition	<input checked="" type="checkbox"/>	Postcard
<input type="checkbox"/>	Extension of Time Request *	<input type="checkbox"/>	Fee Address Indication Form	<input checked="" type="checkbox"/>	Other Enclosure(s) (please identify below):
<input type="checkbox"/>	Express Abandonment	<input type="checkbox"/>	Terminal Disclaimer	- Reply Brief	
<input type="checkbox"/>	Certified Copy of Priority Doc	<input type="checkbox"/>	Power of Attorney and Revocation of Prior Powers		
<input type="checkbox"/>	Response to Incomplete Appln	<input type="checkbox"/>	Change of Correspondence Address		
<input type="checkbox"/>	Response to Missing Parts	*Extension of Term: Pursuant to 37 CFR 1.136, Applicant petitions the Commissioner to extend the time for response for xxxxxx month(s), from to .			
<input type="checkbox"/>	Executed Declaration by Inventor(s)				

CLAIMS

FOR	Claims Remaining After Amendment	Highest # of Claims Previously Paid For	Extra Claims	RATE	FEE
Total Claims	9	20	0	\$ 50.00	\$ 0.00
Independent Claims	2	3	0	\$200.00	\$ 0.00
Total Fees					\$ 0.00

METHOD OF PAYMENT

<input type="checkbox"/>	Check no. _____ in the amount of \$ _____ is enclosed for payment of fees.
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Attorney Name	Erin C. Ming, Reg. No. 47,797
Signature	
Date	February 27, 2006

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Kym Moore

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Date: February 27, 2006

Uwe Hansmann, et al.

Confirmation No. 7582

Serial No: 10/037,700

Group Art Unit: 2164

Filed: January 2, 2002

Examiner: Sana A. AL-HASHEMI

For: METHOD AND SYSTEM FOR SYNCHRONIZING DATA

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
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REPLY BRIEF UNDER 37 C.F.R. § 41.41

Dear Sir or Madam:

Pursuant to 37 C.F.R. § 41.41, Appellants submit this Reply Brief in response to the Examiner's Answer dated December 28, 2005.

I. REAL PARTY IN INTEREST

The real party in interest is International Business Machines Corp. of Armonk, New York by virtue of an assignment from the inventors recorded in the U.S. Patent and Trademark Office on January 2, 2002, at Reel No. 012456, Frame No. 0269.

II. RELATED APPEALS AND INTERFERENCES

There are no appeals, interferences, or judicial proceedings known to Appellants, the Appellants' legal representative, or Assignee, which may be related to, directly affect, be directly affected by, or have a bearing on the decision by the Board of Patent Appeals and Interferences in the pending appeal.

III. STATUS OF CLAIMS

Claims 21-24 and 26-29 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,870,759 to Bauer et al. (hereinafter "Bauer").

Claim 25 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Bauer in view of U.S. Patent No. 6,324,544 to Alam et al. (hereinafter "Alam").

Appeal is taken from the rejection of all of the foregoing claims 21-29.

IV. STATUS OF AMENDMENTS

An amendment canceling claims 31 and 38 was filed on April 28, 2005 after mailing of the final Office action dated March 1, 2005.

An amendment canceling claims 1-20, 30, 32-37, and 39-43 was filed concurrently with the Appeal Brief on July 28, 2005 pursuant to 37 C.F.R. § 41.33.

Both amendments have been entered.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Independent claim 21 recites a client computer system (10) for synchronizing data records stored on the client computer system (10) with data records stored on a server system (20). The client computer system (10) includes a database (12) for storing the data records. The client computer system (10) also includes a processor coupled to the database (12) for creating setup information to the server system (20), wherein the setup information enables the server system (20) to identify the client (10), to identify where to find information the server system (20) needs for synchronization and to provide appropriate commands for the client (10). *See, e.g.*, pg. 8, ln. 6 to pg. 9, ln. 7.

Dependent claim 23 depends indirectly from claim 21 and further recites the client computer system (10), wherein the processor further for executing a program compiled and transmitted by the server system (20), wherein the program updates and synchronizes the data records stored in the database (12). *See, e.g.*, pg. 9, lns. 1-7 and pg. 10, lns. 2-12.

Independent claim 26 recites a server system (20) for synchronizing data records stored on the server system (20) with data records stored in a client computer system (10). The server system (20) includes means for receiving setup information from the client computer system (10), wherein the setup information includes information to enable the server system (20) to identify the client computer system (10), to identify where to find information the server needs for synchronization and to provide appropriate commands for the client computer system (10). *See, e.g.*, pg. pg. 8, ln. 6 to pg. 9, ln. 7. The server system (20) also includes memory for storing the setup information coupled to the means for receiving, a processor coupled to the memory, and a database (22) coupled to the processor for storing the server system (20) data records.

Dependent claim 27 depends from claim 26 and further recites the server system (20) further including means for receiving a change data record from the client computer system (130), wherein the setup information further describes a format of the data records stored in the client computer system (10), and the processor interprets the changed data record from the client computer system using the setup information (140), updates the database (160), and compiles a program comprising object code executable by the client computer system (10) to update the client data records (170). *See, e.g.*, pg. 8, lns. 12-24 and pg. 9, ln. 15 to pg. 10, ln. 12.

Dependent claim 28 depends from claim 26 and further recites the server system (20) further including means for detecting a changed data record in the database (22), wherein the processor updates the database (160) and compiles a program comprising object code executable by the client computer system (10) to update the client data records (170). *See, e.g.*, pg. 9, ln. 15 to pg. 10, ln. 12.

VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

1. Appellants request review as to claims 21-24 and 26-29 and their rejection under 35 U.S.C. § 102(b) as being anticipated by Bauer.

2. Appellants request review as to claim 25 and its rejection under 35 U.S.C. § 103(a) as being unpatentable over Bauer in view of Alam.

VII. RESPONSE TO EXAMINER'S ANSWER

1. Examiner's Answer Section 10

The Examiner states:

Appellant argues that the Bauer fails to disclose the "setup information within the client."

Examiner disagrees. According to the Appellant definition for setup information as disclosed in the instant application specification "The setup information provided by the client 10 tells the server 20 where to find in a data block the information the server 20 needs. For example, if the database is an address book, the data block would include a person's name, street address, ZIP-code, and contact number, as defined in a vcard specification. In one preferred embodiment, the setup information is provided in a header information".

Referring to the Col. 6, lines 6-15, each client has a unique identifier at the server to identify the specific client at the time of update or change. In order for the server to generate a unique identification number for each node (client) the node (client) must complete a contact information registering that node (client) at the server side, which corresponds to the claimed setup information and without that node (client) identification the server will not be able to identify which node (client) the server is communicate with at each time. The setup information is a well-known term in the database environment, for identifying a user and generating a unique ID for that user, the user is required to create a user profile which includes the user information identifying that user (e.g., client information as disclosed in col. 2, lines 1-4, Bauer). And by referring to Col. 8, lines 30-41, and specifically lines 36-38, the node (client) information is required and stored in a table at the server side to identify the node (client).

Appellants argues that the Bauer fails to disclose "that enable the server to identify the client [computer system], to identify where to find information the server needs for synchronization and to provide appropriate commands to the client".

Examiner disagrees. Bauer discloses at Col. 2, lines 49-55, the database synchronizer determines a method of identifying where to find information the server needs for synchronization and to provide appropriate commands to the client and server identify themselves to each other in order to communicate with each other. And by referring to Co. 8, lines 47-62, Bauer discloses identifying each column and row in a table with a unique key value which enable the server to identify where the information need to be synchronized can be located, since the synchronization is performed on a per-table basis where the replica may be a horizontal or a vertical subset of the source data and transaction groups can be defined which assure that synchronization of a group of tables is treated as an atomic unit of work, by identifying each column and row the server will be able to located the specific location of the information to be synchronized.

(December 28, 2005 Examiner's Answer, pgs. 10-11).

(A) Claims 21-24

Claim 21 recites “[a] client computer system . . . comprising a processor . . . for creating setup information to the server system, wherein the setup information enables the server to identify the client, to identify where to find information the server system needs for synchronization, and to provide appropriate commands for the client.”

(A)(i) Bauer does not disclose, teach, or suggest “[a] client computer system . . . comprising a processor . . . for creating setup information to the server system, wherein the setup information enables the server to identify the client”

Although Bauer discloses “a plurality of client nodes 20a, . . . , 20x, . . . , 20z, each of which having a unique node identifier a, . . . , x, . . . , z,” it does not specifically teach that the node identifiers were created by each node as a part of setup information to be transmitted to the server node. (Col. 6, lns. 8-10 of Bauer). In fact, Bauer does not discuss how the client and server nodes are initialized and never mentions “setup” or “setup information.” The server node in Bauer, as a part of the initialization process, could just as easily have assigned and informed each client node the unique identifier assigned to that client node.

Under M.P.E.P. § 2163.07:

To establish inherency, the extrinsic evidence “must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.” *In re Robertson*, 169 F.3d 743, 745, 49 U.S.P.Q.2d 1949, 1950-51 (Fed. Cir. 1999).

(M.P.E.P. § 2163.07, 8th ed., 4th rev.). Therefore, it is not inherent that Bauer discloses “[a] client computer system . . . comprising a processor . . . for creating setup information to the server system, wherein the setup information enables the server to identify the client,” as recited in claim 21.

(A)(ii) Bauer does not disclose, teach, or suggest “[a] client computer system . . . comprising a processor . . . for creating setup information to the server system, wherein the setup information enables the server . . . to identify where to find information the server system needs for synchronization”

Bauer teaches that the “table correspondence T,” which the Examiner asserts “identif[ies] each column and row in a table with a unique key value which enable the server to identify where the information need to be synchronized can be located,” is “maintained on the server node 10 and propagated to at least one client node 20.” (Col. 8, Ins. 49-50 of Bauer). In other words, it is the server node in Bauer that creates and maintains the “table correspondence T,” not the client nodes.

Whereas claim 21 recites “[a] client computer system . . . comprising a processor . . . for creating setup information to the server system, wherein the setup information enables the server to . . . identify where to find information the server system needs for synchronization.” Hence, in the present invention, it is the client computer system that provides the information which enables the server to locate the data to be synchronized. Therefore, Bauer also fails to disclose “[a] client computer system . . . comprising a processor . . . for creating setup information to the server system, wherein the setup information enables the server . . . to identify where to find information the server system needs for synchronization,” as recited in claim 21.

(A)(iii) Bauer does not disclose, teach, or suggest “[a] client computer system . . . comprising a processor . . . for creating setup information to the server system, wherein the setup information enables the server . . . to provide appropriate commands for the client”

Claim 21 further recites “[a] client computer system . . . comprising a processor . . . for creating setup information to the server system, wherein the setup information enables the server . . . to provide appropriate commands for the client.” Hence, in the present invention, the server system generates and sends the commands the client computer system needs for synchronization to the client computer system based on the setup information provided by the client computer system since one of the goals of the present invention is to reduce “the amount of software required for synchronization in the client . . . [to] make it possible to offer less expensive client devices with less memory, or allow the client device to utilize available memory for alternative applications.” (Pg. 10, lns. 19-22 of the Specification).

Conversely, Bauer only discloses the server transmitting “refresh data” to the client. (Col. 2, ln. 60 to col. 3, ln. 2 of Bauer). In fact, the term “command” cannot be found anywhere in Bauer. Further, Bauer states that “the database synchronizer,” which was referenced by the Examiner, “is resident on the server node 10 and client nodes 20.” (Col. 7, lns. 43-45 of Bauer). Thus, in Bauer, each client node already contains the programming instructions needed for synchronization since a database synchronizer resides on each node. Consequently, there would be no need for the server node in Bauer to generate and send commands the client nodes need for synchronization as they should already have those commands.

Moreover, Bauer states that the “goal of a database synchronizer in accordance with the invention is to minimize the cost of synchronization by reducing communication costs and delays

in synchronizing databases.” (Col. 7, Ins. 54-57 of Bauer). Bauer discloses that synchronization costs are reduced through the use of “a message structure which minimizes the length of data messages transmitted between the client and the server. In particular, the modification messages are built specifying a minimal amount of information necessary to modify a row of the database on either the client or the server.” (Col. 3, Ins. 4-9 of Bauer). Therefore, Bauer actually teaches away from “[a] client computer system . . . comprising a processor . . . for creating setup information to the server system, wherein the setup information enables the server . . . to provide appropriate commands for the client,” as recited in claim 21 because this would actually increase the amount of data transferred between the client and the server. (*See, e.g.*, pg. 10, Ins. 13-18 of the Specification).

(A)(iv) The Examiner has not established anticipation under 35 U.S.C. § 102

Anticipation under 35 U.S.C. § 102 requires the disclosure in a single piece of prior art of each and every limitation of a claimed invention. (*See, e.g., Electro Med. Sys. S.A. v. Cooper Life Sciences*, 34 F.3d 1048, 32 U.S.P.Q.2d 1017, 1019 (Fed. Cir. 1994)). The Examiner has failed to show that the elements discussed in Sections (A)(i)-(A)(iii) above are disclosed in Bauer.

Therefore, claim 21 is improperly rejected under 35 U.S.C. § 102(b) as being anticipated by Bauer. Claims 22-24 depend from claim 21 and are therefore improperly rejected for at least the same reasons.

(B) Claim 23

Claim 23 depends indirectly from claim 21 and recites “[t]he client computer system . . . wherein the processor . . . execut[es] a program compiled and transmitted by the server system, wherein the program updates and synchronizes the data records stored in the database.”

(B)(i) Bauer does not disclose, teach, or suggest “[t]he client computer system . . . wherein the processor . . . execut[es] a program compiled and transmitted by the server system”

As discussed above in section (A)(iii), Bauer does not disclose the server node transmitting anything other than “refresh data” to the client. In addition, since each client node in Bauer has its own “database synchronizer,” the client node in Bauer does not need the server node to compile and transmit a program for execution on the client node in order for the client node to update and synchronize the data stored in its database.

Further, as noted above, one of the goals of Bauer is to limit the amount of data transmitted between the server node and the clients nodes. Therefore, it teaches away from the server node compiling and transmitting a program to a client node. Moreover, the passage of Bauer cited by the Examiner has disclosing claim 23 states:

Turning to FIG. 5B, the server node 10 receives the table row message from the client node at step 205. At step 210, the server node performs a conflict check. When the server processes the modifications in the table row messages sent by the client, the server may detect that a conflict has occurred. Broadly speaking, a conflict occurs on a row when one or more data fields (columns) of the row change on both the client node 20x and the server node 10. In practical terms, the client node 20x and server node 10 have changed the same piece of data—a given data field in a given row—to different values since the last time they were synchronized.

(Col. 10, lns. 36-47 of Bauer). Hence, the passage has nothing to do with the client node “executing a program compiled and transmitted by the server system, wherein the program updates and synchronizes the data records stored in the database,” as recited in claim 23.

(B)(ii) The Examiner has not established anticipation under 35 U.S.C. § 102

Anticipation under 35 U.S.C. § 102 requires the disclosure in a single piece of prior art of each and every limitation of a claimed invention. (*See, e.g., Electro Med. Sys. S.A. v. Cooper Life Sciences*, 34 F.3d 1048, 32 U.S.P.Q.2d 1017, 1019 (Fed. Cir. 1994)). The Examiner has failed to show that the element discussed in Section (B)(i) above is disclosed in Bauer.

Therefore, claim 23 is further improperly rejected under 35 U.S.C. § 102(b) as being anticipated by Bauer for these additional reasons. Claim 24 depends from claim 23 and is therefore improperly rejected for at least the same additional reasons.

(C) Claim 25

Claim 25 depends from claim 21 and recites “the client is one of a mobile phone, a handheld computer, and a personal digital assistant.”

(C)(i) Alam does not cure the deficiencies of Bauer

Claim 25 depends from claim 21 and incorporates the limitations of that claim. As discussed above in Sections (A)(i)-(A)(iii), Bauer does not disclose, teach, or suggest “[a] client computer system . . . comprising a processor . . . for creating setup information to the server system, wherein the setup information enables the server to identify the client, to identify where

to find information the server system needs for synchronization, and to provide appropriate commands for the client,” as recited in claim 21.

Alam does not disclose, and the Examiner has not cited any passage of Alam as disclosing, “[a] client computer system . . . comprising a processor . . . for creating setup information to the server system, wherein the setup information enables the server to identify the client, to identify where to find information the server system needs for synchronization, and to provide appropriate commands for the client,” as recited in claim 21. Therefore, even if Bauer were combined with Alam, the combination would neither teach nor suggest the claim element.

(C)(ii) The Examiner has not established a *prima facie* case of obviousness

To establish a *prima facie* case of obviousness, the Examiner must make three basic showings. First, there must be some suggestion or motivation, either in the references or in the prior knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on Applicant’s disclosure. (*See, e.g., In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)).

Since the Examiner has failed to make the three basic showings, no *prima facie* case of obviousness has been established. Thus, claim 25 is improperly rejected under §103(a).

(D) Claims 26-29

Claim 26 recites “[a] server system . . . comprising . . . means for receiving setup information from the client computer system, wherein the setup information includes information to enable the server system to identify the client computer system, to identify where to find information the server system needs for synchronization and to provide appropriate commands for the client computer system.”

(D)(i) Bauer does not disclose, teach, or suggest “[a] server system . . . comprising . . . means for receiving setup information from the client computer system, wherein the setup information includes information to enable the server system to identify the client computer system”

As discussed in section (A)(i) above, Bauer does not explicitly disclose that each client node created its unique node identifier and transmitted that to the server node as a part of setup information. In addition, it is not inherent that each client node would even send setup information to the server node as the server node could very well have assigned each client node a unique node identifier and informed each client node of its unique node identifier as a part of the initialization process.

(D)(ii) Bauer does not disclose, teach, or suggest “[a] server system . . . comprising . . . means for receiving setup information from the client computer system, wherein the setup information includes information . . . to identify where to find information the server system needs for synchronization”

As discussed above in section (A)(ii), it is the server node Bauer that maintains and propagates the “table correspondence,” which the Examiner asserts “identif[ies] each column and row in a table with a unique key value which enable the server to identify where the information

need to be synchronized can be located.” In contrast, in claim 26, it is the client computer system that sends the server system “information . . . to identify where to find information the server system needs for synchronization.”

(D)(iii) Bauer does not disclose, teach, or suggest “[a] server system . . . comprising . . . means for receiving setup information from the client computer system, wherein the setup information includes information . . . to provide appropriate commands for the client computer system”

As discussed in sections (A)(iii) and (B)(iii) above, Bauer only discloses the server node transmitting “refresh data” to the client node. In addition, since each client node in Bauer has its own “database synchronizer,” the client node in Bauer does not need the server node to provide commands for the client node to synchronize its data.

Further, as noted above, Bauer’s goal is to limit the amount of data transmitted between the server node and the clients nodes. Therefore, it teaches away from the server node providing commands for the client nodes as this would increase the size of messages transmitted between the server node and the client nodes. Moreover, the passage of Bauer cited by the Examiner as disclosing the element in claim 26 states:

FIGS. 10A and 10B are schematic diagrams of the client-side catalog and before-image log table, respectively, for the server table Ts of FIG. 9A. The client-side table correspondence Lc is an ordered, sequentially-indexed list of the columns of the client table 22x-a which are replicated to the client table view Tc. The associated before-image log table Tb provides a reference from which changes to the client database table Tc are measured. As an initially synchronized database, the before-image log table Tb is identical to the client-side updatable columns of client table Tc of FIG. 9B.

(Col. 16, lns. 38-47 of Bauer). Hence, the passage has nothing to do with “[a] server system . . . comprising . . . means for receiving setup information from the client computer system, wherein the setup information includes information to enable the server system to identify the client

computer system, to identify where to find information the server system needs for synchronization and to provide appropriate commands for the client computer system,” as recited in claim 26.

(D)(iv) The Examiner has not established anticipation under 35 U.S.C. § 102

Anticipation under 35 U.S.C. § 102 requires the disclosure in a single piece of prior art of each and every limitation of a claimed invention. (*See, e.g., Electro Med. Sys. S.A. v. Cooper Life Sciences*, 34 F.3d 1048, 32 U.S.P.Q.2d 1017, 1019 (Fed. Cir. 1994)). The Examiner has failed to show that the elements discussed in Sections (D)(i)-(D)(iii) above are disclosed in Bauer.

Therefore, claim 26 is improperly rejected under 35 U.S.C. § 102(b) as being anticipated by Bauer. Claims 27-29 depend from claim 26 and are therefore improperly rejected for at least the same reasons.

(E) Claims 27-28

Claims 27-28 depend from claim 26 and recite “[t]he server system . . . compiles a program comprising object code executable by the client computer system to update the client data records.”

(E)(i) Bauer does not disclose, teach, or suggest “[t]he server system . . . compiles a program comprising object code executable by the client computer system to update the client data records”

As discussed above in sections (A)(iii), (B)(iii), and (D)(iii), each client node in Bauer has its own database synchronizer, which includes programming instructions for synchronization,

and as such does not need the server node to compile “a program comprising object code executable by the client computer system to update the client data records,” as recited in claims 27-28. In addition, none of the references to “program” or “programming” in Bauer concerns the server node compiling a program.

Furthermore, the passage of Bauer cited by the Examiner as disclosing the elements of claims 27-28 states:

FIGS. 11A, 11B and 11C are schematic diagrams of the server-side table correspondence Ls, server update log table Tu, and refresh table Tr for the server table Ts of FIG. 9B. The server-side table correspondence Ls is an ordered, sequentially-indexed list of the columns in the central table 12a which are replicated in the client table Tc. There is a one-to-one correspondence between the index into the server-side table correspondence Ls and the respective client-side table correspondence Lc.

The server update log table Tu for the server table Ts records information about operations that have been performed on the server table Ts. The operation column OPu can have a value representing the insert (I), update (U) or delete (D) operation. In the SUL table Tu, the values stored in the non-key columns C1u, C2u, C3u depend on the recorded operation. If the recorded operation is an update or a delete, then the values of the non-key columns contain the values from the server table Ts immediately preceding the operation (i.e., before values). If the recorded operation is an insert, the values of the non-key columns contain the values of the server table Ts immediately after applying the insert (i.e., inserted value). When the server 10 applies a client update to the server table Ts, the identifier ID is set; otherwise the identifier is not set (i.e., it is null) to indicate a modification by some means other than the server applying a client operation to the server table Ts

(Col. 16, ln. 48 to col. 17, ln. 6 of Bauer). Hence, the passage is completely unrelated to “[t]he server system . . . compil[ing] a program comprising object code executable by the client computer system to update the client data records,” as recited in claims 27-28.

(E)(ii) The Examiner has not established anticipation under 35 U.S.C. § 102


Anticipation under 35 U.S.C. § 102 requires the disclosure in a single piece of prior art of each and every limitation of a claimed invention. (*See, e.g., Electro Med. Sys. S.A. v. Cooper Life Sciences*, 34 F.3d 1048, 32 U.S.P.Q.2d 1017, 1019 (Fed. Cir. 1994)). The Examiner has failed to show that the element discussed in Section (E)(i) above is disclosed in Bauer.

Therefore, claims 27-28 are further improperly rejected under 35 U.S.C. § 102(b) as being anticipated by Bauer for these additional reasons. Claim 29 depends from claim 28 and is therefore improperly rejected for at least the same additional reasons.

CONCLUSION

On the basis of the above remarks, and the remarks made in the Appeal Brief, Appellants respectfully submit that the final rejection should be reversed.

Respectfully submitted,
SAWYER LAW GROUP LLP



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Dated: February 27, 2006

APPENDIX OF CLAIMS

Claims 1-20 (Canceled)

21. (Previously Presented) A client computer system for synchronizing data records stored on the client computer system with data records stored on a server system, the client computer system comprising:

a database for storing the data records; and

a processor coupled to the database for creating setup information to the server system, wherein the setup information enables the server system to identify the client, to identify where to find information the server system needs for synchronization and to provide appropriate commands for the client.

22. (Original) The client computer system of claim 21, wherein the system further comprises means for detecting a changed record in the client database, and means for transmitting the changed record to the server system.

23. (Original) The client computer system of claim 22, wherein the processor further for executing a program compiled and transmitted by the server system, wherein the program updates and synchronizes the data records stored in the database.

24. (Original) The client computer system of claim 23 further comprising means for downloading and starting the program.

25. (Original) The client computer system of claim 21, wherein the client is one of a mobile phone, a handheld computer, and a personal digital assistant.

26. (Previously Presented) A server system for synchronizing data records stored on the server system with data records stored in a client computer system, the server system comprising:

means for receiving setup information from the client computer system, wherein the setup information includes information to enable the server system to identify the client computer system, to identify where to find information the server system needs for synchronization and to provide appropriate commands for the client computer system;

memory for storing the setup information coupled to the means for receiving;

a processor coupled to the memory; and

a database coupled to the processor for storing the server system data records.

27. (Original) The server system of claim 26, further comprising means for receiving a changed data record from the client computer system;

wherein, the setup information further describes a format of the data records stored in the client computer system, and the processor interprets the changed data record from the client computer system using the setup information, updates the database, and compiles a program comprising object code executable by the client computer system to update the client data records.

28. (Original) The server system of claim 26 further comprising means for detecting a changed data record in the database;

wherein, the processor updates the database and compiles a program comprising object code executable by the client computer system to update the client data records.

29. (Original) The server system of claim 28 further comprising means for transmitting the program to the client computer system.

Claims 30-43 (Canceled)